

# Rescind Redundant Land Management Agreement - 188-196 Grenfell Street, Adelaide

Strategic Alignment - Strong Economies

Public

Tuesday, 3 October 2023

City Planning, Development and Business Affairs Committee

Program Contact:

Steve Zaluski, Associate Director  
Regulatory Services

Approving Officer:

Ilia Houridis, Director City  
Shaping

## EXECUTIVE SUMMARY

Council has received a request for the rescission of a redundant Land Management Agreement (LMA) associated with a site at 188-196 Grenfell Street, Adelaide.

Created in 1991, the purpose of the LMA was to facilitate the transfer of plot ratio from one site to another. However, the proposed development that had the benefit of the additional floor area at 188 Grenfell Street did not proceed and the approval has since lapsed.

The current owner has requested Council rescind the LMA so the encumbrance can be removed from the Certificate of Title.

The report recommends approving the request and rescinding the LMA, in line with the process set out in clause 8 of the LMA.

Should Council authorise the rescission of the LMA, this will be wholly at the applicant's cost.

---

## RECOMMENDATION

The following recommendation will be presented to Council on 10 October 2023 for consideration

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Approves the rescission of the Land Management Agreement as per Attachment A to Item 7.1 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 3 October 2023.
  2. Authorises the Administration to undertake the necessary steps to assist the applicant in rescinding the Land Management Agreement at the applicant's cost.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<a href="#">Strategic Alignment – Strong Economies</a> Reduce red tape and streamline processes
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Not as a result of this report
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
23/24 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. Council entered into a LMA with Lawhill Pty Ltd on 19 February 1991 and the current owner of the site has requested Council rescind the LMA (Link 1 view [here](#)).
2. The agreement was entered into under Section 39d of the *City of Adelaide Development Control Act 1976* (SA). This Act was replaced by the *Development Act 1993* (SA) which has also been repealed and replaced by the *Planning, Development and Infrastructure Act 2016* (SA). The agreement relates to a combined site of 188 Grenfell Street and 196 Grenfell Street, Adelaide. These parcels were under the same ownership in 1991.
3. The legislation at the time the LMA was created allowed sites which could not be developed to their full potential to sell floor area to another site, to allow the other site to develop over and above what may be allowed under relevant policy guidelines.
4. The owner at the time sought to develop the combined site by:
  - 4.1. Retaining the substantial whole of the outer structure of the Crown and Anchor Hotel at 196 Grenfell Street
  - 4.2. Demolishing remaining buildings on the combined site
  - 4.3. Constructing a five storey office building with basement car park on the land to the west of the Crown and Anchor Hotel with access from Union Street, approved by Council in October 1990 (P3430B).
5. The proposal did not comply with the basic plot ratio requirement of 2.0 that applied under the City of Adelaide Plan 1986-1991. By combining 188 Grenfell Street (recipient site) and 196 Grenfell Street (donor site) (Link 2 view [here](#)), a transfer of 968m<sup>2</sup> of floor area from the donor site occurred to the recipient site which achieved a 0.75 bonus for a maximum plot ratio of 2.75.
6. The agreement also sought to divide the site, however a land division application was never lodged.
7. The agreement endorsed the allowance of a greater floor area for the development site surrounding the Crown and Anchor Hotel.
8. The provisions in the City of Adelaide Plan 1986-1991 relating to transferable floor area were removed on 24 June 2006 by the General and Park Lands Planning Amendment Review (PAR). No express transition was provided by that PAR.
9. The proposed development of the combined site did not eventuate, the owner was deregistered on 24 June 1993 and the development application subsequently lapsed.
10. Clause 8 of the LMA states:
  - 10.1. *In the event of the lapse of any approval under the City of Adelaide Development Control Act 1976 in respect of development of the combined site substantially in accordance with the proposals referred to in recital B, then the Corporation will upon the written request of the Owner agree to rescind this Deed.*
11. As the approval lapsed and Council committed to agreeing to the rescission of the LMA under such circumstances, it is considered appropriate for Council to grant consent to a rescission.
12. The purpose of this report is to seek a decision from Council to allow the rescission of the LMA on the land at 188-196 Grenfell Street, Adelaide.
13. Should Council authorise the rescission of the LMA, this will be wholly at the applicant's cost.
14. There is no impact of rescinding this LMA considering the development never proceeded. The impact of not rescinding this LMA is an encumbrance remaining registered against the Certificate of Title.

---

## DATA AND SUPPORTING INFORMATION

**Link 1** – Request for partial rescission of LMA

**Link 2** – Donor and Recipient Site Location Map

---

# ATTACHMENTS

**Attachment A** - Copy of LMA and associated documentation

---

- END OF REPORT -